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LINN COUNTY
SHERIFFS OFFICE

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2006-J1),
Plaintiff,

Case No. 17CV26486

WRIT OF EXECUTION

v.
HOLLY A. TURNER AKA HOLLY A.
LEHWALD; BANK OF AMERICA, N.A.
SUCCESSOR BY MERGER
COUNTRYWIDE BANK, N.A.; STATE OF
OREGON DIVISION OF CHILD SUPPORT;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 295
WALKER RD, LEBANON, OR 97355,
Defendant.

TO THE LINN COUNTY SHERIFF:

On December 5, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default and Stipulation was entered by the Linn County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWALT 2006-J1) c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 295 Walker Rd, Lebanon, OR 97355 ("Subject Property"), and legally described as:

LOT 11, BLOCK 4, HALL'S FIRST ADDITION, IN THE CITY OF LEBANON, LINN

1 COUNTY, OREGON.

2 The total amount due and owing on the Judgment as of January 3, 2018;

3 Judgment:	Principal	\$ 154,734.36
4 Pre-Judgment:	Interest(5.875%,\$16.88/day)	\$ 1,198.48 (9/25/17 through 12/5/17)
5	Attorney Fees	\$ 3,695.00
6	Costs	\$ 1,711.00
7	Prevailing Party Fee	\$ 300.00
8 Post-Judgment:	Interest(5.875%,\$16.88/day)	\$ 489.52 (12/6/17 through 1/3/18)
9	Attorney Fees	\$ 305.00
10	Costs	\$0.00

11 **TOTAL: \$ 162,433.36**

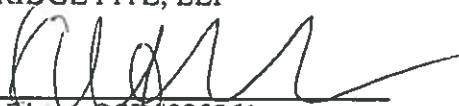
12 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
13 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
14 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
15 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
16 holder of the certificate of sale.

Signed: 1/5/2018 11:36 AM

Cynthia Mitchell

Cynthia Mitchell, Administrative Authority

17
18
19
20 Presented by:
21 ALDRIDGE PITE, LLP

22 
23 Katie Riggs, OSB#095861
24 Tel: (858) 750-7600
25 Fax: (503) 222-2260
26 kriggs@aldridgepite.com
111 SW Columbia Street Suite 950
Portland, OR 97201
Of Attorneys for Plaintiff



Page 2 – WRIT OF EXECUTION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
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(858) 750-7600

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN**

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
(CWALT 2006-J1),
Plaintiff,

v.

HOLLY A. TURNER AKA HOLLY A.
LEHWALD; BANK OF AMERICA, N.A.
SUCCESSOR BY MERGER
COUNTRYWIDE BANK, N.A.; STATE OF
OREGON DIVISION OF CHILD SUPPORT;
and ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS 295
WALKER RD, LEBANON, OR 97355,
Defendants.

Case No. 17CV26486

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AND
STIPULATION**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants HOLLY A. TURNER AKA
HOLLY A. LEHWALD; STATE OF OREGON DIVISION OF CHILD SUPPORT; and ALL
OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 295 WALKER RD,
LEBANON, OR 97355, the stipulation of Defendant BANK OF AMERICA, N.A. SUCCESSOR
BY MERGER COUNTRYWIDE BANK, N.A., the records on file herein, and pursuant to the
Motion for General Judgment and Declaration of Amount Due by Default and by stipulation by
Plaintiff THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS
TRUSTEE (CWALT 2006-J1),

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Page 1 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND STIPULATION

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IT IS HEREBY ADJUDGED:

1. Plaintiff's security interest in the real property located at 295 Walker Rd, Lebanon, OR 97355 ("Subject Property"), as evidenced by the Deed of Trust recorded October 12, 2005 in the official records of Linn County as instrument number Book 1774 / Page 20 ("Deed of Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights, claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

LOT 11, BLOCK 4, HALL'S FIRST ADDITION, IN THE CITY OF LEBANON, LINN COUNTY, OREGON.

2. The Deed of Trust is foreclosed and upon entry of this Judgment the court administrator shall upon request of the Plaintiff issue a writ of execution for the sale, by the Sheriff, in the manner provided by law;

3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount due under the Note and Deed of Trust and any future advances and/or fees that may be made or incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale. This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule 68(C), which amount may be added to the outstanding obligation due and owing under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied by sale of the Subject Property as directed under this Judgment;

5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing

1 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
2 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
3 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

4 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
5 sale of the Subject Property as directed under this Judgment.

6 7. The Sheriff shall make a return on the writ of execution to the court administrator
7 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
8 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
9 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
10 parties as may establish their right thereto. The Defendants and all persons claiming through or
11 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
12 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
13 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
14 every part of the Subject Property when the time for redemption has elapsed;

15 8. Plaintiff or any other party to this action may become a purchaser at the
16 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
17 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
18 successor in interest may apply to this Court for a writ of assistance to gain possession of the
19 subject property if Defendants or any other party or person refuses to surrender possession;

20 9. Stipulating defendant BANK OF AMERICA, N.A. SUCCESSOR BY MERGER
21 COUNTRYWIDE BANK, N.A., has a valid and subsisting junior lien by way of junior Deed of
22 Trust ("Second Mortgage"). This Second Mortgage was issued on September 29, 2005, for the
23 amount of \$45,000.00 and was recorded on October 12, 2005, in the official records of Linn
24 County as instrument number Volume 1774, Page 35. The current total payoff amount is
25 \$43,696.12, with a good through date of September 19, 2017. Second Mortgage's lien has

26 Page 3 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND STIPULATION

1 priority over the interests of the other defendants and is entitled to surplus funds, if any.

2 DECLARATION OF AMOUNT DUE BY DEFAULT

3 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
4 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 5 1. The amount of the judgment is \$154,734.36.
- 6 2. Simple interest at the variable rate currently at 5.87500% (\$16.88 *per diem*) from
7 September 25, 2017, through the date of sale.
- 8 3. Attorney fees of \$3,695.00, plus \$305.00, through the date of sale.
- 9 4. Costs of \$1,711.00, plus costs accrued through the date of sale.
- 10 5. Prevailing party fee: \$300.00.

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12 **IT IS SO ADJUDGED**

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15 Signed: 12/5/2017 11:17 AM

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18 **Circuit Court Judge, Thomas A. McHill**

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25 <Stipulation on next page>

26 Page 4 – GENERAL JUDGMENT OF FORECLOSURE AND DECLARATION OF AMOUNT DUE BY
DEFAULT AND STIPULATION

1 Presented By:
ALDRIDGE PITE, LLP

2 

3 _____
4 Katie Riggs OSB # 095861
5 Main Office: (858) 750-7600
6 Direct Fax: (503) 222-2260
7 Email: kriggs@aldridgepite.com
8 *Of Attorneys for Plaintiff*

9 Stipulated to by:

10 s/ John Thomas
11 _____
12 John M. Thomas
13 McCarthy ♦ Holthus LLP
14 920 SW 3rd Ave., 1st Fl., Portland, OR 97204
15 971.201.3203 | f. 971.201.3202
16 ithomas@mccarthyholthus.com
17 *Of Attorneys for Defendant Bank of America, N.A. Successor By Merger Countrywide Bank, N.A.*

18 By signing above the Parties hereby acknowledge the following: (1) that they were provided a
19 reasonable period of time to review and consider this Stipulated Judgment; (2) that they were
20 advised to and have sought and received the advice of their attorney prior to signing this
21 Stipulated Judgment, or had the opportunity to consult with an attorney and chose not to do so;
22 (3) that they understand that they are waiving legal rights by signing this Stipulated Judgment;
23 (4) that they have reviewed this Stipulated Judgment, that this Stipulated Judgment is written in a
24 manner that is understandable to them, and that they indeed understand the entirety of this
25 Stipulated Judgment and the effect(s) of signing this Stipulated Judgment; and (5) that they sign
26 this Stipulated Judgment of their own free act and deed, without any coercion or duress, and that
they hereby release the rights and claims set forth above in exchange for the consideration set
forth in this Stipulated Judgment

CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

1. Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.
2. Each opposing party affected by this Order or Judgment has approved the Order or Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

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DEFAULT AND STIPULATION

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3. I have served a copy of this Order or Judgment on all parties entitled to service and:

- a. No objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
 - c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
4. x The relief sought is against an opposing party who has been found in default.
5. An order of default is being requested with this proposed judgment.
6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: 11/28/2017

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Of Attorneys for Plaintiff